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Applicant: Aubin et al.
Appl. No.: 10/764,516
Filing Date: January 27, 2004
Title: METHODS FOR CO-MODELLING AND ANALYZING PACKET NETWORKS
OPERATING OVER OPTICAL NETWORKS
Attorney Docket No.: 71493-1210 /slb
Pub. No.: US 2004/0186701 A1
Pub. Date: September 23, 2004

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), filed on November 19, 2004 for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains numerous material errors, such as misprinting "... link is protection" for "... link protection" abstract, "... network." for "... network," paragraph [0072], "... input." for "... input," in claim 3, and "... computer, readable" for "... computer readable".

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The errors noted by requestor wherein the phrases such as "... link is protection" is misprinted for "... link protection" in the abstract, "... network." is misprinted for "... network," in paragraph [0072], and "... computer, readable" is misprinted for "... computer readable" are Office errors, but the mistakes are minor typographical errors, which are clearly understandable to one of ordinary skill in reading the specification and the claims. With respect to "... input;" in claim 3, the text was correctly printed. The mistakes are minor typographical errors, which are clearly understandable from reading the claims in which the phrases are used, as terms are not read in a vacuum. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct 10, 2000) (final rule).

publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

Furthermore, these are not material errors since the Image File Wrapper (IFW) for this application is available to the public, as of its publication date.

The errors in this published application may be due in part to the poor quality of the text in the application. While the text is legible, many of the letters are not clear as some letters are incomplete. Applicant is advised that he may want to file application papers that are clearer, as some of the errors are due to faint or slightly blurred text, which may be due to the faxed papers.

Applicant should file applications having larger text, which is cleaner and with sufficient clarity and contrast to permit reproduction to avoid errors in the patent application publication process. See 37 CFR 1.52.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 703-872-9306 or after July 15, 2005, 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice)


Mark Polutta

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